

UNITED STATES DISTRICT COURT
SOUTHERN DIVISION OF OHIO
WESTERN DIVISION

*Denied as moot.
Record has been
supplemented.
Hansen L. Anthony
7/24/12*

DAVID BAILEY

Plaintiff

Vs.

MICHAEL J. ASTRUE
COMMISSIONER OF
SOCIAL SECURITY

Defendant

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CIVIL NO. 1:12 CV 00140


PLAINTIFF'S MOTION TO
SUPPLEMENT THE RECORD

The Plaintiff, by and through his undersigned attorney, hereby moves this Court to order that the record be supplemented with the attached letter and affidavit. The Plaintiff states, as grounds, that such supplementation is proper because such documents are not included in the administrative record filed with the Court.

WHEREFORE, the Plaintiff prays that this Court order that the record be supplemented with the attached letter and affidavit.

MEMORANDUM


This case is an appeal of a decision by the Social Security Administration to deny disability benefits to the Plaintiff. The final decision of the Social Security Administration was by action of the Appeals Council was made on December 26, 2011. Prior to that decision, the Plaintiff's counsel sent a letter with an affidavit to the Appeals Council on June 20, 2011. See attached letter and affidavit. Such letter and affidavit are not part of the administrative record. While a prior letter from the Plaintiff's counsel of May 9, 2011 was made part of the administrative record, (see Exhibit 16 B), the letter of June 20, 2011, along with the affidavit, was not made part of the record. In order for the record to be complete, this Court should order that the letter of June 9, 2011 along with the affidavit enclosed with the letter, be made part of the administrative record for the purposes of this action.



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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing was served upon John J. Stark, Assistant United States Attorney, 303 Marconi Boulevard, Suite 200, Columbus, Ohio 45215 by regular U.S. Mail this 3rd day of July, 2012.



MICHAEL A. KENNEDY #0002794
Attorney at Law